

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LISA MARIE SCHECHTER,

Plaintiff,

v.

Case No: 8:19-cv-860-T-36CPT

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Christopher P. Tuite on July 7, 2020 (Doc. 27). In the Report and Recommendation, Magistrate Judge Tuite recommends that: (1) Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. § 2[4]12 (Doc. 25) be granted;¹ (2) Plaintiff be awarded \$8,614.62 in attorneys' fees, \$400 in costs, and \$18.90 in expenses for a total sum of \$9,033.52; (3) The Commissioner's remittance of this amount be made payable to the Plaintiff in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), and that, if the Government concludes that Plaintiff does not owe any debt to the Government, the Commissioner be advised that he may honor an assignment of fees to the Plaintiff's attorneys; and (4) Plaintiff's request for oral argument be denied as moot. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

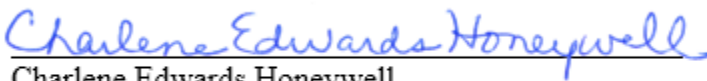
¹ Plaintiff's motion incorrectly cites to 28 U.S.C. § 2312(d) as the Equal Access to Justice Act (EAJA) fee provision. (Doc. 24 at 1). The Magistrate Judge analyzed the motion under the correct provision found at § 2412.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 27) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiff's Petition for EAJA Fees Pursuant to 28 U.S.C. § 2412 (Doc. 25) is **GRANTED**.
- (3) Plaintiff is awarded \$8,614.62 in attorneys' fees, \$400 in costs, and \$18.90 in expenses for a total sum of \$9,033.52.
- (4) The Commissioner's remittance of this amount be made payable to the Plaintiff in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010). If the Government concludes that the Plaintiff does not owe any debt to the Government, the Commissioner is advised that he may honor an assignment of fees to the Plaintiff's attorneys.
- (5) Plaintiff's request for oral argument is **DENIED** as moot.

DONE AND ORDERED at Tampa, Florida on July 27, 2020.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Christopher P. Tuite
Counsel of Record